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DOJ FOR DAAG SWARTZ

E.O. 12958: DECL: 02/15/2017
TAGS: [ETTC](#) [KFTN](#) [PARM](#) [KNNP](#) [IR](#) [TU](#)
SUBJECT: UNSCR 1737: TURKEY WILL SEARCH FOR ASSETS, BUT
DIFFICULT TO FREEZE

REF: STATE 16917

Classified By: ECON/C Tom Goldberger. Reasons 1.4 (b) and (d).

¶1. (C) Summary. Demarches on implementation of UNSCR 1737 have been delivered to the Minister of Finance, Turkey's financial intelligence unit, and the Foreign Ministry. The senior foreign ministry official responsible for intelligence and security appreciated the information, but admitted that Turkey lacks a solid basis on which to take administrative action to freeze or block any assets that might be found in Turkey. End Summary.

¶2. (C) Under Secretary Joseph sought Turkish cooperation to take economic measures to pressur program in a February 12 Finance Minister Kemal Ur `NSCR 1737 and specifIRGC. Post followed upaper to the directoQf Turkey's financial intelligence unit -- whoparticipated in U/S Joseph's meeting -- and t/ the personal office of Minister Unakitan on February 13.

¶3. (C) On February 14, EconCouns delivered the non-paper and points to MFA Director General for Intelligence and Security Affairs, Hayati Guven. Guven said he appreciated the information and that he would ask the relevant Turkish authorities to search for assets of the companies/individuals mentioned in the non-paper.

Weak Legal Basis for Asset Freezes

¶4. (C) Guven continued by saying that since the July 2006 judicial decision overturning the 1267 freeze on Yasin al-Qadi's assets (currently under appeal) it has become much more difficult for the Council of Ministers to take administrative action to freeze assets. To freeze assets, the government would have to ask for a court order, which requires a much higher evidentiary standard than the information in reftel or than what is normally provided by the United Nations. Guven stressed that assets found in Turkey remained frozen pursuant to UNSCR 1267, but frankly admitted that the legal basis for these and any future administrative freezes is tenuous. The Econ Counselor said Turkey was obligated to the United Nations to implement Security Council resolutions, as has been discussed many times. The U.S. was providing the reftel information to assist Turkey and Turkey would have to find an effective way to act if assets are found. Guven understood this, but pointed again to the legal challenges that have bedeviled

past asset freezes.

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